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RULES DOCKET DOCKETS

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Priority: Normal

Subject: Passenger Profiling

MAY -4 PM 12:01

I write today to express my opposition to the proposed rule, FAA Docket No. FAA-1999-5536; Notice No. 99-05, which mandates that all flights operating on aircraft with 60 or more seats employ one of several options to detect explosive devices in checked baggage. I am writing to express my opposition to the option of "computer-assisted passenger screening" (CAPS), as it is inherently unconstitutional and unfair. It is also stupid, in that it will have a trivial impact on airline safety, and is substantially useless compared to the other options under consideration.

I am certain that I will never be selected by the CAPS system for baggage checking. I am male, white, blond, tall, and a businessman. Looking at me you would not be surprised in the slightest to discover that I am a Presbyterian church deacon and a registered Republican.

I am no stranger to the question of airport security: I travel frequently, and was in Narita Airport in 1994 when the Philippine terrorists bombed a Filipino airliner bound for Tokyo. I have had my luggage searched by hand and have been frisked by airline security personnel.

But I am also no stranger to what it means to be an American--and this rule strikes at the very heart of what that means. The specific business rules of the CAPS system are supposedly confidential, but the rules are obvious:

1. Did the passenger pay by cash?
2. Did the passenger pay with a foreign credit card?
3. If foreign, where was the credit card issued?
4. Does the passenger have a foreign name?
5. Is the passenger traveling to someplace we don't like?

This means that if one of my employees uses traveler's checks to pay for a ticket to visit his family in Pakistan, he may very well get searched. Does this enhance security? Maybe. Possibly. But at best, not much. The question to ask is, is this wholesale invasion of the privacy of traveling citizens (and legal residents) worth it? The answer must be a resounding "no."

The proposed rule offers carriers two other options: 100% inspection of baggage for explosives (using very expensive detection devices); or Positive

Passenger Baggage Matching. I propose that the rule be revised to require the following:

1. Positive Passenger Baggage Matching (PPBM) on all flights, on aircraft of any size
2. Revised boarding pass procedures
3. Explosive detection at the aircraft entrance--for passengers and baggage

POSITIVE PASSENGER BAGGAGE MATCHING: PPBM simply makes sense. Most major airlines do this already for international flights, and the system can easily be expanded to domestic flights. The system is simple: when baggage is checked a barcoded label is attached to each bag, and the code numbers are recorded on a magnetic strip on the back of the customer's boarding pass. (There is a glaring hole in the airline security system at present

with regard to boarding passes, which I will address below.)

When the passenger boards the plane, the barcoded boarding pass is read. When the passenger's bags are loaded on the plane the labels are scanned. Both the baggage and the passenger manifest must match, or the plane doesn't leave.

Airlines have complained that this would be cumbersome to do for domestic travel. They cite a number of reasons, but fundamentally it comes down to a quality issue: each airline would have to ensure that every checked bag got on every flight every day, or they would have planeloads of unhappy passengers. The existing lost luggage rate would have to drop to essentially zero.

Impossible? Not at all. The airlines will simply have to adapt to a new way of doing business, just as they adapted when flotation devices were required for overwater flights, when seatbelts were required, when non-flammable interiors were mandated, when metal detectors were required, and when in-flight smoking was banned. The difference is that this is a change in the flying experience that customers will appreciate--the airlines can advertise that they guarantee that your bags will arrive when you do. (You couldn't, after all, run TV ads extolling the fact that your new aircraft interiors are less likely to give off toxic fumes in the event of an in-flight fire.)

Would this increase airline costs? Yes. Would the traveling public bear those costs? Yes. But the cost to the traveling public would be indiscriminate: white male Republican Presbyterians would pay the same ticket prices as their Pakistani Sunni Muslim employees. The same rules would apply to everyone--that's the American way.

Should this rule be applied to all aircraft? Yes. If we're going to prevent terrorism, let's prevent it. PPBM on commuter flights is extremely easy: put the bags on the ramp in front of the plane. Each passenger moves his/her bag a few feet (perhaps across a painted line). The bag is loaded on the plane. No mag-stripe boarding passes, no scanners, no expense. This is essentially the reverse of the existing process for checked baggage on commuter flights anyway: most of us "gate-check" our bags so we can claim them when we get off the plane--we don't have to wait for them at baggage claim. The baggage crews just line up the bags, and you pick up your bag as you walk to the terminal.

REVISE BOARDING PASS PROCEDURES: The existing system for issuing boarding passes has a glaring hole: the system requires each adult passenger to present a government-issued photo ID upon check-in. The system does NOT require a photo ID in order to get on the plane. If one wishes, one can check in for a flight, get a boarding pass, and then hand that boarding pass to someone else. (I wonder--are there even any kind of penalties for doing this, in the extremely unlikely event that one would get caught?)

Better idea: require trusted authentication of every passenger. By "trusted authentication" I mean that each passenger would have to produce positive identification at ticketing--that identification would be a government-issued photo ID. Ticket issuers would have to be authenticated

by
trusted security sources, in a manner identical to how Internet security
certificates are issued today. (A trusted source, such as Verisign,
requires
a certificate applicant to provide documentation of identity. Depending
upon
the level of the certificate, that certificate holder may then, in turn,
issue certificates to others. Any two parties to a transaction have to be
able to trace their trust relationships back to a common trusted source.)
The passenger would also have a thumb- or fingerprint scanned at the same
time. The passenger would have the option of permitting the airline to
maintain that fingerprint scan, so that in the future the passenger would
only have to put his fingerprint on a biometric scan pad.

Would this be cumbersome? Yes. Would it cost more? Yes. Would it increase
ticket prices? Yes. But the costs would be carried by everybody
equally--which is the American way.

EXPLOSIVE DETECTION AT THE AIRCRAFT ENTRANCE: Don't profile passengers.
Profile FLIGHTS. And use bomb-sniffing dogs (or mechanical replacements) to
search.

This is no different than the existing practice with drug dogs done by the
Customs Service. When a flight arrives everybody goes through baggage
claim--and while the bags are arriving an agent comes through with a
friendly dog who greets everybody and sniffs his way around the area.

Do the same thing: before the flight is called somebody walks through the
boarding area with a bomb-sniffing dog. Perhaps somebody sends a dog
through
the baggage area on the plane. Do this often enough, visibly enough, and
potential terrorists will be deterred.

CONCLUSION: Do it the American way.

All of the proposals for enhanced security will cost money and create
inconvenience for airline passengers. The CAPS scheme will, unavoidably,
focus that inconvenience by way of illegal, immoral, and most certainly
un-American means. If there is to be cost, if there is to be inconvenience,
then the cost and inconvenience must be shared equally. To do anything else
is simply not the American way.

Yours,

John B. Murdoch


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